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July 5, 2017

VIA ECF

Honorable John F. Keenan
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: BSG Resources (Guinea) Limited, et al. v. George Soros and Open Society Foundations,
No. 1:17-cv-02726 (JFK)

Dear Judge Keenan:

We represent Defendants George Soros and Open Society Foundations (“Defendants”) in the above-captioned action.¹ On June 2, 2017, Defendants served their motion to dismiss Plaintiffs’ initial complaint, or in the alternative, stay the action pending an ongoing arbitration proceeding, in which many of the same issues that will adjudicated in this action are presently before a panel of arbitrators at the International Centre for Settlement of Investment Disputes (“ICSID”). Consistent with that request for a stay, during the parties’ Rule 26(f) conference, Defendants stated that they believe discovery in this action should not begin until and unless the Court denies Defendants’ motion for dismissal or a stay, whichever is later. (*See* Joint Discovery Statement, Dkt. No. 21, at 5-7.)

As set forth in the Joint Discovery Statement, Defendants believe that discovery should be stayed because Defendants are likely to prevail on their motion to dismiss or stay the action, and such a delay will not prejudice Plaintiffs. (Joint Discovery Statement at p. 5-7.) Plaintiffs’ position is that discovery should proceed now. (*Id.* at p. 1-5.) Plaintiffs also stated their position that Defendants’ request for a stay of discovery should be denied because Defendants have not filed a separate motion to stay discovery. (*Id.* at p. 2.)

Defendants disagree that it was necessary or appropriate to burden the Court in advance of tomorrow’s preliminary conference with a second motion to stay, given that, among other reasons, Defendant’s motion to stay pending the ICSID arbitration seeks that same relief. To the extent the Court believes that a separate motion to stay discovery is necessary, however, Defendants respectfully request the Court conference scheduled for tomorrow, July 6, 2017 also

¹ On June 30, 2017, Plaintiffs filed an amended complaint adding various additional defendants to this action. Those defendants have yet to make an appearance in this action.

serve as the pre-motion conference pursuant to Item 2.A. of the Court's individual practices and Local Civil Rule 37.2.

Respectfully submitted,

/s/ Benjamin P. McCallen

Benjamin P. McCallen

cc: Louis M. Solomon (via ECF)